

Remarks/Arguments:

With the present response, claims 1-36 are pending, with claims 21-31 having been previously withdrawn from consideration.

Claim Objections

Claims 18-19 stand objected to because of informalities which have been corrected herein. Withdrawal of the objections is respectfully requested.

Claim Rejections

Claims 1-4, 7, 9-20, and 32-36 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2004/0044399 to Ventura ("Ventura"), in view of U.S. Patent Application Publication No. 2002/0095205 to Edwin et al ("Edwin").

Independent claims 1, 20, and 32 each recite, *inter alia*, a stent comprising a plurality of interconnected struts, the struts comprising a plurality of serpentine bands and further comprising a generally linear connector strut *attaching a peak of one serpentine band to a trough of an adjacent serpentine band at the respective apices of each of the peak and the trough, wherein the respective apices are axially aligned with each other.*

Independent claim 33 recites, *inter alia*, a stent comprising a tubular expandable framework having an outer surface and an inner surface, the tubular expandable framework comprising a plurality of serpentine bands, adjacent serpentine bands having *axially aligned oppositely pointing apices*.

Ventura discloses a plurality of adjacent cylindrical elements that are arranged in alignment along the longitudinal stent axis and form a generally serpentine wave pattern 22 transverse to the longitudinal stent axis. This characteristic serpentine wave pattern of the plurality of adjacent cylindrical elements consists of a plurality of alternating valley portions 24 and peak portions 26. A plurality of interconnecting elements 13 extend between the adjacent cylindrical elements and connect the adjacent cylindrical elements to one another. See Ventura, para. [0036].

Ventura discloses each adjacent cylindrical element being connected *peak-to-peak* (or, conversely, *valley-to-valley*) due to the alignment of the adjacent cylindrical elements along the longitudinal stent axis. See Ventura, annotated Fig. 5, below.

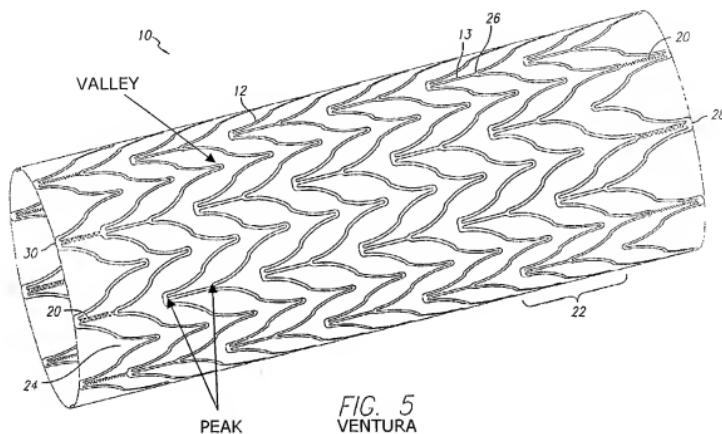


FIG. 5
VENTURA

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). By disclosing each adjacent cylindrical element being connected *peak-to-peak* (or, conversely, *valley-to-valley*) due to the alignment of the adjacent cylindrical elements along the longitudinal stent axis, Ventura fails to disclose a stent having the claimed feature of a generally linear connector strut attaching a *peak of one serpentine band to a trough of an adjacent serpentine band* at the respective apices of each of the peak and the trough, wherein the respective apices are axially aligned with each other, as recited in each of amended claims 1, 20, and 32, and the feature of adjacent serpentine bands having *axially aligned oppositely pointing apices*, as recited in amended claim 33.

Edwin is cited for allegedly using an inner and outer covering of expanded polytetrafluoroethylene (ePTFE). Edwin fails to disclose or suggest the claimed feature of a generally linear connector strut *attaching a peak of one serpentine band to a trough of an adjacent serpentine band*, as recited in claims 1, 20, and 32, or the claimed feature of adjacent serpentine bands having *axially aligned oppositely pointing apices*, as recited in claim 33. Applicants respectfully submit that Edwin fails to cure the deficiencies of Ventura regarding

claims 1, 20, 32, and 33 of the present invention, and thus does not teach the present invention either separately or in combination with Ventura.

Applicants therefore respectfully submit that the rejection of each of independent claims 1, 20, 32, and 33 is improper, and respectfully request reconsideration and allowance of the claims. Claims 2-4, 7, and 9-19 all ultimately depend from claim 1 and claims 34-36 depend from claim 33. Applicants respectfully submit that these claims are patentable over the proposed combination of Ventura and Edwin for at least the same reasons as set forth above with respect to claims 1 and 33, respectively. Reconsideration and allowance of the claims are respectfully requested.

Claims 5, 6 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ventura, in view of Edwin et al, and further in view of U.S. Patent Application Publication No. 2002/0193867 to Gladdish, Jr. et al ("Gladdish"). Gladdish is cited for allegedly applying the marker to the stent via crimping, embedding, or inserting a plug into an opening in the stent framework. Applicants respectfully submit that Gladdish fails to cure the deficiencies of Ventura or Edwin regarding claim 1 of the present invention. Applicants respectfully submit that claims 5, 6, and 8 are allowable over the cited prior art for at least the same reasons as set forth above with respect to claim 1. Reconsideration and allowance of the claims are respectfully requested.

In the alternative, regarding claim 5, Gladdish is cited for allegedly applying the marker to the stent via crimping, embedding, or inserting a plug into an opening in the stent framework. Applicants respectfully submit that Gladdish teaches *insertion* of a radiopaque marker into position within a marker housing of the stent. Gladdish, para. [0058] and Fig. 7-8. Claim 5 recites the feature of a radiopaque marker band, wherein the marker is in the form of a split tube which is crimped onto a portion of the stent framework. See Specification, Page 5 Line 30 to Page 6 Line 8, and Fig. 3b, below for an exemplary embodiment of the claimed invention. Applicants respectfully submit that Gladdish does not teach the placement of radiopaque markers by *crimping the radiopaque marker upon or into the stent framework*. Because Gladdish fails to disclose this feature of claim 5, Applicants respectfully submit that claim 5 is patentable over the proposed combination of Venture, Edwin, and Gladdish. Reconsideration and allowance of these claims are respectfully requested.

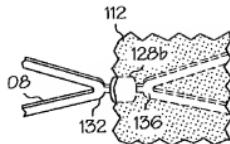


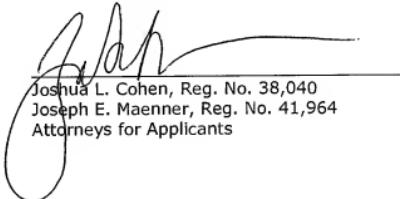
FIG. 3b
APPLICATION

Claims 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ventura, in view of Edwin et al, and further in view of U.S. Patent No. 6,488,701 to Nolting et al ("Nolting"). Claims 14 and 15 ultimately depend from claim 1. Nolting is cited for the use of stents for correcting cerebral vasculature. Applicants respectfully submit that Nolting fails to cure the deficiencies of Ventura or Edwin regarding claim 1 of the present invention. Applicants respectfully submit that these claims are allowable over the cited prior art for at least the same reasons as set forth above with respect to claim 1. Reconsideration and allowance of the claims are respectfully requested.

Conclusion

In light of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,


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